

REMARKS

Applicants respectfully request further examination and reconsideration in view of the above amendments. Claims 1-22 and 26 remain pending in the case. Claims 1-22, 24 and 25 are rejected. Claims 24 and 25 are cancelled herein without prejudice. Claims 1 and 16 are amended herein. New Claim 26 has been added herein. No new matter has been added.

35 U.S.C. § 103(a)

Claims 1-11 and 16-21 stand rejected under 35 U.S.C. §103(a) as being unpatentable over United States Patent 6,317,784 by Mackintosh et al., hereinafter referred to as the "Mackintosh" reference. Applicants have reviewed the cited reference and respectfully submit that the embodiments of the present invention as recited in Claims 1-11 and 16-21 are not unpatentable over Mackintosh in view of the following rationale.

Applicants respectfully direct the Examiner to independent Claim 1 that recites that an embodiment of the present invention is directed to (emphasis added):

A method for providing information to a radio appliance playing audio content broadcast by a radio station, comprising the steps of:

receiving radio waves broadcast by the radio station at the radio appliance, the radio waves comprising the audio content;  
receiving a user-generated request for information about the audio content from the radio appliance;

receiving information from the radio appliance indicating the identity of the audio content;  
accessing a database that contains the requested information; and  
delivering the requested information to the radio appliance.

Independent Claim 16 recites similar limitations. Claims 2-11 that depend from independent Claim 1 and Claims 17-21 that depend from independent Claim 16 provide further recitations of the features of the present invention.

Mackintosh and the claimed invention are very different. Applicants understand Mackintosh to teach a method for presenting supplemental information for broadcast material. In particular, Applicants understand Mackintosh to teach a software media player that is installed on a computer system. In particular, Mackintosh teaches a software media player that receives broadcast material in a digital format. Moreover, in order to receive broadcast material originating from actual radio signals (e.g., AM or FM carrier signals), the actual radio signals are received at a separate location for decoding. The decoded radio signals are then converted into a digital format for transmission to the software media player.

With reference to Figures 5 and 6 of Mackintosh, a system and method for providing broadcast materials to a user of a computer (user terminal 212) is shown. Specifically, at step 222, radio station 204 provides broadcast materials to a broadcast Internet service provider (ISP) 208 (col. 8, lines 40-50).

At "step 224, broadcast ISP 208 'broadcasts' the broadcast material" to a user  
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terminal 212. Specifically, broadcast ISP provides the broadcast materials in a digital format downloaded to user terminal 212 over the Internet 210 (col. 9, lines 49-60).

Applicants respectfully assert that broadcast ISP 208 and user terminal 212 are separate devices. In particular, Applicants assert that user terminal 212 is not operable to receive radio waves and to decode those waves for presentation. Rather, user terminal 212 is only operable to present audio received in a digital format. Accordingly, broadcast ISP 208 must encode the radio signals received into a digital format for presentation by the software media player operating on user terminal 212.

In contrast, embodiments of the claimed invention are directed towards a method for providing information to a radio appliance playing audio content broadcast by a radio station, including "receiving radio waves broadcast by the radio station at the radio appliance, the radio waves comprising the audio content" (emphasis added). As described in the present application, the radio of the present invention is for receiving and decoding radio waves ([0008]). As shown in Figure 1 of the present application, in one embodiment, broadcast radio station 140 is operable to broadcast AM/FM radio waves over a transmission tower 142 directly to radio appliance 150 ([0016] and [0017]). In particular, radio appliance 150 is operable to receive and decode radio waves

for presenting to a listener. Moreover, radio appliance 150 does not receive the audio content in digital format, as taught by Mackintosh.

Moreover, with regard to Claim 16, Applicants respectfully assert that decoding radio waves at a user terminal is not inherent in Mackintosh. Mackintosh explicitly teaches that any decoding of radio waves is performed at a device separate from the user terminal, and that the software media player is only operable to present digitally encoded data. By teaching that a separate device (broadcast ISP 208) is responsible for receiving radio signals, decoding the signals, and encoding them into a digital format, Mackintosh teaches away from the present invention as claimed.

Applicants respectfully assert that Mackintosh in particular does not teach, disclose, or suggest receiving radio waves broadcast by the radio station at the radio appliance, as claimed. Therefore, Applicants respectfully assert that nowhere does Mackintosh teach, disclose or suggest the claimed embodiments of the present invention as recited in independent Claims 1 and 16, that Claims 1 and 16 overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in a condition for allowance. Therefore, Applicants respectfully submit the Mackintosh also does not teach or suggest the additional claimed features of the present invention as recited in Claims 2-11 that depend from independent Claim 1 and Claims 17-21 that depend from independent Claim 16. Therefore, Applicants respectfully submit that Claims

2-11 and 17-21 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

Claims 12-15 and 22 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Mackintosh in view of United States Patent 6,177,931 by Alexander et al., hereinafter referred to as the “Alexander” reference. Applicants have reviewed the cited references and respectfully submit that the embodiments of the present invention as recited in Claims 12-15 and 22 are not anticipated by the combination of Mackintosh and Alexander in view of the following rationale.

As described above, independent Claim 1, upon which Claims 12-15, depend from, are directed toward a method for providing information to a radio appliance playing audio content broadcast by a radio station, including “receiving radio waves broadcast by the radio station at the radio appliance, the radio waves comprising the audio content” (emphasis added). Independent Claim 22 provides similar limitations. The combination of Mackintosh and Alexander does not teach the method as claimed. For instance, Mackintosh and the claimed invention are very different. Applicants understand Mackintosh to teach a software media player for presenting audio received in a digital format. Moreover, in order to present audio originating as a radio signal, a separate device must receive the radio signals, decode them, and encode them in a digital format for broadcast to the software media player. Applicants

respectfully assert that by teaching that a separate device (broadcast ISP 208) is responsible for receiving radio signals, decoding the signals, and encoding them into a digital format, Mackintosh teaches away from the present invention as claimed.

Moreover, the combination of Mackintosh and Alexander fails to teach or suggest this claim limitation because Alexander does not overcome the shortcomings of Mackintosh. Applicants understand Alexander to teach an Electronic Program Guide (EPG). In particular, Alexander does not teach, describe or suggest “receiving radio waves broadcast by the radio station at the radio appliance,” as claimed. Moreover, Alexander is silent as radio transmission.

Applicants respectfully assert that nowhere does Alexander teach, describe or suggest a method for providing information to a radio appliance playing audio content broadcast by a radio station, including wherein radio waves broadcast by the radio station are received at the radio appliance, as claimed. Applicants respectfully assert that nowhere does the combination of Mackintosh and Alexander teach, disclose or suggest the present invention as recited in independent Claims 1 and 22, that Claims 1 and 22 overcome the rejection under 35 U.S.C. § 103(a), and that these claims are thus in condition for allowance. Therefore, Applicants respectfully submit the combination of Mackintosh and Alexander also does not teach or suggest the additional

claimed features of the present invention as recited in Claims 12-15 dependant on allowable base Claim 1. Therefore, Applicants respectfully submit that Claims 12-15 overcome the rejection under 35 U.S.C. § 103(a), and are in a condition for allowance as being dependent on an allowable base claim.

### CONCLUSION

Based on the amendments and arguments presented above, Applicants respectfully assert that Claims 1-22 are allowable and, therefore, Applicants respectfully solicit allowance of these Claims.

The Examiner is invited to contact Applicants' undersigned representative if the Examiner believes such action would expedite resolution of the present Application. Please charge any additional fees or apply any credits to our PTO deposit account No. 23-0085.

Respectfully submitted,  
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